

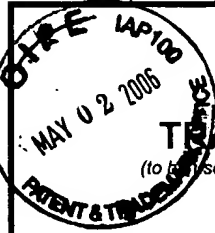
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PTO/SB/21 REV 1 (12/97)

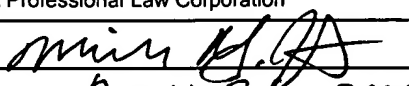
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 TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/846,994	
	Filing Date	May 1, 2001	
	First Named Inventor	Richard E. Hunter	
	Group Art Unit	3752	
	Examiner Name	Davis D. Hwu	
Total Number of Pages in This Submission		Attorney Docket Number	0095-194

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Checklist and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> To Convert a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below):
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Terminal Disclaimer	<u>POSTCARD: DECLARATION OF</u> <u>MICHAEL L. CLARK; REQUEST</u> <u>FOR RECONSIDERATION</u>
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Response to Missing Parts/ Incomplete Amendment		
<input type="checkbox"/> Response to Missing Parts Under 37 CFR 1.52 or 1.53	Remarks: Transmitted herewith are the following: Request for Reconsideration in response to Office Action mailed on February 13, 2006; Declaration of Michael L. Clark Under 37 CFR §1.132; and a prepaid return postcard. No fee is required at this time.	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual Name	(Atty) Michael H. Jester Reg. No. 28,022 A Professional Law Corporation	
Signature		<input checked="" type="checkbox"/>
Date	April 26, 2006	<input checked="" type="checkbox"/>

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail (postage pre-paid) in an envelope addressed to: MS - AMENDMENT - NO FEE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on this date: April 26, 2006			
Typed or printed name	Michael H. Jester		
Signature		Date	4-26-06 <input checked="" type="checkbox"/>



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Present application of:

Richard E. Hunter et al.

Serial No.: 09/846,994

Filed: May 1, 2001

For: *Rotor Type Sprinkler with
Turbine Over-Spin Prevention*

Examiner: Davis D. Hwu

Group Art Unit: 3752

Confirmation No.: 3915

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Reconsideration of the present application as amended is requested.

In the response to the Office Action mailed February 13, 2006, transmitted herewith is an originally executed DECLARATION OF MICHAEL L. CLARK UNDER 37 CFR §1.132. In the Office Action mailed February 13, 2006, Claim 1, the lone pending claim, was rejected for obviousness over U.S. Patent No. 5,375,768. In the Rule 132 Declaration submitted herewith Michael L. Clark, the inventor of the '768 patent, states that the sprinkler disclosed in said '768 patent does not include a valve as called for in Claim 1 as amended.

Applicants respectfully disagree with the examiner that it would have been obvious to modify the sprinkler of the '768 patent to produce a sprinkler of the type set forth in amended Claim 1 in which a valve prevents over-spinning of the turbine by selectively re-directing pressurized fluid around the turbine when the pressurized fluid is air or a mixture of water and air. As set forth in the aforementioned Rule 132 Declaration of Clark, the sprinkler disclosed therein does not have such a valve. Moreover, the Rule 132 Declaration of Clark makes it clear that the valve of the '768 patent is not capable of performing an over-spinning function. The examiner has

not suggested what, if any, modifications would make the valve of the '768 patent to make it capable of preventing over-spinning. Further, there is no teaching, suggestion or motivation in the '768 patent to make such modifications. Accordingly, withdrawal of the obviousness rejection of amended Claim 1 over the '768 patent is requested.

This application is in condition for allowance, and notification to this effect is solicited. No additional fee is due at this time.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael H. Jester", with a stylized flourish at the end.

4/26/06

By: Michael H. Jester
Attorney for Applicants
Registration No. 28,022



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent application of:)
)
Richard E. Hunter et al.) Examiner: Davis D. Hwu
)
Serial No.: 09/846,994) Group Art Unit: 3752
)
Filed: May 1, 2001) Confirmation No.: 3915
)
For: *Rotor Type Sprinkler with*)
Turbine Over-Spin Prevention)

DECLARATION OF MICHAEL L. CLARK UNDER 37 CFR §1.132

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 222313-1450

Dear Sir:

I, Michael L. Clark, hereby declare as follows:

1. I am a U.S. citizen, over the age of eighteen years and competent to make this declaration.
2. Unless otherwise indicated, all statements made herein are based on personal knowledge.
3. I am currently employed by Hunter Industries, Inc. (hereinafter "Hunter"), the assignee of the above-captioned pending U.S. patent application.
4. I have been employed by Hunter for the past twenty-five years.
5. My current position at Hunter is Research Lab Manager.
6. During my employment at Hunter, I have regularly designed sprinklers.
7. I have been granted thirteen (13) patents on irrigation related inventions, including U.S. Patent No. 5,375,768 entitled "Multiple Range Variable Speed Turbine" granted December 27, 1994.
8. The sprinkler disclosed in U.S. Patent No. 5,375,768 does not include a valve that prevents, by selectively re-directing the pressurized fluid around the turbine, over-spinning of the turbine when the pressurized fluid is air, or a mixture of water and air.

9. The valve included in the sprinkler disclosed in U.S. Patent No. 5,375,768 is held closed with a bias spring. With the valve in the closed position, there is no flow path for either air or water, except through the inlet that feeds the turbine.
10. In the sprinkler disclosed in U.S. Patent No. 5,375,768, the valve will open as the pressure delta across the valve exceeds the spring force. The valve actually forces fluid to the turbine when the valve is closed and will continue to bias fluid to the turbine as the valve opens.
11. The valve of the sprinkler disclosed in U.S. Patent No. 5,375,768 includes a small throttling blade that enters the inlet to the turbine as the valve opens. This blade is designed to meter water only. The size of this blade would have little impact on the velocity of air.
12. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

4/12/2006
Date

By:

Michael L. Clark
Michael L. Clark